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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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AARON SANCHEZ-CAZARES,

Case No. 2:18-cv-02367-APG-GWF

Petitioner,

ORDER

v.

KIRSTJEN NIELSEN, et al.,

Respondents.

This counseled habeas petition pursuant to 28 U.S.C. § 2241 comes before me on petitioner’s emergency request for stay of deportation. (ECF No. 1).

Petitioner Aaron Sanchez-Cazares is subject to a final notice of removal. On December 10, 2018, the Ninth Circuit denied Sanchez-Cazares’ petition for review. Petitioner obtained new counsel, who intended to file a motion to reopen and to stay removal with the Board of Immigration Appeals based on an alleged defect in the Notice to Appear. Before he could do so, Sanchez-Cazares was taken into ICE custody. According to counsel, Sanchez-Cazares could be removed from the United States as early as December 14, 2018. Petitioner accordingly seeks an emergency stay of deportation in this case. (ECF No. 1 at 1-5).

It is not clear that I have jurisdiction to grant the Sanchez-Cazares the relief he seeks in this case. *See, e.g., Paz-Zamora v. Archambeault*, 2018 WL 5785287, at *2 (S.D. Cal. Nov. 5, 2018); *Ramos Meza v. Nielsen*, No. 2:18cv-660-APG-VCF (ECF No. 16). However, given the immediate and irreparable harm petitioner faces were he to be deported tomorrow, I will temporarily enjoin

1 respondents from removing petitioner from the United States pending briefing on the jurisdictional
2 issue. *See United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) (“[T]he District
3 Court had the power to preserve existing conditions while it was determining its own authority to
4 grant injunctive relief.”).

5 IT IS THEREFORE ORDERED that petitioner Sanchez-Cazares shall immediately serve
6 the respondents with the petition and emergency request for stay of deportation and a copy of this
7 order. Due to the exigency of this matter, in addition to service under Federal Rule of Civil
8 Procedure 4, petitioner Sanchez-Cazares shall also send these documents immediately by email,
9 facsimile, or hand delivery to the United States Attorney’s Office for the District of Nevada and
10 to the Attorney General of the United States at Washington, D.C.

11 IT IS FURTHER ORDERED the respondents shall file a response, including addressing
12 whether this court has jurisdiction, to petitioner Aaron Sanchez-Cazares’ emergency request to
13 stay (ECF No. 1) by 12:00 p.m. PST on Wednesday, December 17, 2018.

14 IT IS FURTHER ORDERED that the defendants shall not deport or otherwise remove
15 petitioner Aaron Sanchez-Cazares from the United States pending further order of this court.

16 DATED THIS 13th day of December, 2018.

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19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
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